IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

Crl.Rev.Pet.No. 674 of 2001()

CRMP.9834/2000 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, THRISSUR

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REVN. PETITIONER: COMPLAINANT

SHALIYA MAJEED, D/O.ABDULLAKUTTY
VALIYAKATH VEEDU
P.O.KIZHUPPILLIKKARA, THRISSUR DISTRICT-MUKTHIAR
ON BEHALF OF MAJEED, S/O.MUHAMMED
POKKALATH HOUSE
P.O.VADAKKUMMURI, PERINGOTTUKARA
THRISSUR DISTRICT.

BY ADV. SRI.P.V.CHANDRA MOHAN
SRI.T.VENUGOPALAN

RESPONDENT: ACCUSED

SAHEER, S/O.IBRAHIM, PAROOPANAKKAL HOUSE
VADAKKUMMURI DESOM, THANNIAM VILLAGE
P.O.VADAKKUMMURI, THRISSUR.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.674 of 2001

Dated this the 30th day of October, 2007

ORDER

The revision petitioner is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The complainant stands dismissed as the complainant was absent. It is submitted that the lapse was on account of the wrong noting of the posting date.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the revision petitioner to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The revision petitioner shall appear before the court below on 28.11.2007.

The Crl.R.P. is allowed.

K.R.UDAYABHANU,
JUDGE

csl